



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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| In the matter of |) | |
| ELLANA, INC. |) | |
| D/B/A NEW MR. SAM'S FOOD CENTER |) | Business ID No. 169673 |
| 7459 Joy |) | |
| Detroit, Michigan 48204 |) | |
| |) | |
| Wayne County |) | |
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At the January 17, 2013 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission is required to impose a suspension or revocation of the 2012 SDD and SDM licenses with Sunday Sales Permit (P.M.) held by Ellana, Inc. (licensee) at the above-noted address, as the licensee was found liable for three (3) violations of MCL 436.1801(2) on different occasions within a 24-month period. Those violations occurred on June 25, 2010, January 4, 2011 and December 10, 2011.

The penalty hearing was held on January 17, 2013 at the Commission's Southfield office. Representing the licensee at the hearing was Attorney Marshal Garmo.

After reviewing the record of the three (3) violations within a consecutive 24 month period which necessitated the penalty hearing, and hearing arguments from Attorney Garmo, the Commission finds that the licensee has demonstrated reasons to order a further suspension. All three (3) sales at the store were made without

demanding proper proof of identification, with the sale that occurred on June 25, 2010 being made to an 18 year old minor.

Under MCL 436.1903(1), the Commission must issue a penalty of suspension or revocation in this matter. The Commission believes that a ten (10) day suspension is warranted for the reasons stated on the record, to be served on January 25, 2013, January 26, 2013, January 27, 2013, January 28, 2013, January 29, 2013, January 30, 2013, January 31, 2013, February 1, 2013, February 2, 2013 and February 3, 2013.

THEREFORE, IT IS ORDERED that:

- A. The 2012 SDD and SDM licenses with Sunday Sales Permit (P.M.) are SUSPENDED for ten (10) consecutive days, to be served on January 25, 2013, January 26, 2013, January 27, 2013, January 28, 2013, January 29, 2013, January 30, 2013, January 31, 2013, February 1, 2013, February 2, 2013 and February 3, 2013.
- B. The suspension is to run consecutively and not concurrently with any other suspension ordered by the Michigan Liquor Control Commission for this licensee.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____